THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.23562 OF 2005

DATED: 03-11-2005

BETWEEN:

M/s A.P.C.P.D.C.LIMITED .. PETITIONER

AND

The Asst.P.F.Commissioner,

O/o Employees Provident Fund Organisation

.. RESPONDENT

THE HON'BLE SRI JUSTICE V.ESWARAIAH

W.P.NO.23562 OF 2005

ORDER:

The petitioner questions the proceedings No.AP/CP/43272/Enf./ATP/SRO/CDP/2005/2726 dated 19.10.2005 passed by the respondent under Section 7-A of the Employees Provident Funds and Miscellaneous Provisions Act 1952 demanding the petitioner to pay a sum of Rs.2,48,494/- towards the Provident Fund contribution in respect of the Employees Provident Fund within 3 days, otherwise the penal damages as per

Section 14-B of the Act as well as the interest under Section 7-Q of the Act will attract.

Admittedly, the appeal lies against the order passed by the respondent under Section 7-I of the Act to the appellate Tribunal. The petitioner filed this writ petition without availing the remedy available under Section 7-I of the Act. Therefore, the writ petition is not maintainable

Learned standing counsel appearing for the respondent submits that usually the order that being passed by the Tribunal is granting stay on payment of 50% of the demanded amount.

Accordingly, the writ petition is disposed of giving liberty to the petitioner to file an appeal before the appropriate tribunal within 10 days from the date receipt of a copy of this order. There shall be stay of operation of the proceedings dated 19.10.005 passed by the respondent during the pendency of the appeal subject to condition that the petitioner deposits half of the demanded amount within three weeks from today. No costs.

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03-11-2005

kvrm